

### **REMARKS**

Claims 1-35 are pending in this application.

Claims 1 and 15 have been amended by the present Amendment. Amended claims 1 and 15 do not introduce any new subject matter.

Claims 30-35 have been withdrawn from consideration pursuant to 37 C.F.R. § 1.142(b) as being drawn to a non-elected invention, and have been canceled without prejudice or disclaimer. In addition, claim 3 has also been canceled without prejudice or disclaimer.

### **REJECTION UNDER 35 U.S.C. § 102**

Reconsideration is respectfully requested of the rejection of claims 1-3, 5, 7 and 9-14 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Pub. No. 2003/0226148 ("Ferguson").<sup>1</sup>

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); M.P.E.P. § 2131.

Applicant respectfully submits that Ferguson does not disclose or suggest that the media player is located in the hood behind the display, as recited in amended claim 1.

---

<sup>1</sup> Applicant respectfully submits that Ferguson is not a proper reference under section 102(b), and will treat the rejection as having been made under section 102(e). Applicant also notes that the rejection of claim 5 under 35 U.S.C. § 102 is improper since claim 4, from which claim 5 depends, has been rejected under 35 U.S.C. § 103, not 102.

For example, Applicant's disclosure describes and shows a media player 700, 800 or 900 positioned in a hood 400, 500 or 600 and located behind the display 420, 520 or 620. See, e.g., Figs. 6A, 6C, 7A, 7C, 8A and 8D and corresponding discussion. For example, the media players 700, 800 and displays 420, 520 are positioned on respective front and rear sides of doors 402, 502, such that the media players 700, 800 are located behind the displays 420, 520. Also, the media player 900 is positioned in a base portion 610 behind the display 620.

In contrast to the claimed embodiment, Ferguson shows a video monitor 13 located at an upper headrest portion of a seat cover 12 and a video reproducer 20 positioned in a pouch or pocket 15 located at a lower portion of the seat 11. In addition, unlike the claimed embodiment, Ferguson shows video output cables running 17 the length of the seat 11 between a video monitor 13 and the video reproducer 20.

Therefore, for at least the above reason, Applicant respectfully submits that claim 1 is not anticipated by Ferguson.

In addition, for at least the reason that claims 2, 5, 7 and 9-14 depend from claim 1, claims 2, 5, 7 and 9-14 are also not anticipated by the cited reference, claim 3 having been canceled.

As such, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-3, 5, 7 and 9-14 under 35 U.S.C. § 102(e).

#### **REJECTION UNDER 35 U.S.C. § 103**

Reconsideration is respectfully requested of the rejection of claims 4, 6, 8 and 15-29 under 35 U.S.C. § 103(a) as being unpatentable over Ferguson.

Applicant respectfully submits that Ferguson does not disclose or suggest the

hood including the media player located behind the display, as recited in amended claims 1 and 15. Furthermore, it would not have been obvious to modify Ferguson to include same.

As stated above, in contrast to the claimed embodiments, Ferguson shows a video monitor 13 located at an upper headrest portion of a seat cover 12 and a video reproducer 20 positioned in a pouch or pocket 15 located at a lower portion of the seat 11. Unlike the claimed embodiments, the video reproducer 20 of Ferguson is not located behind the video monitor 13.

Applicant respectfully submits that any suggestion to modify Ferguson to include the claimed media player located behind the display would be based solely on hindsight information gleaned from Applicant's disclosure.

Accordingly, for at least this reason, Applicant respectfully submits that amended claims 1 and 15 are patentable over Ferguson.

For at least the reason that claims 4, 6 and 8 depend from claim 1, and claims 16-29 depend from claim 15, claims 4, 6, 8 and 16-29 are also submitted to be patentable over the cited reference.

#### Additional Note Regarding Claims 4, 26 and 29

Applicant notes that the Examiner has failed to establish a *prima facie* case of obviousness at least in connection with claims 4, 26 and 29. For example, claims 4, 26 and 29 relate to a door pivotally attached to the base portion and including a display and media player mounted to the door. See, e.g., Applicant's disclosure, Figs. 6A-6C (display 420, door 402 and media player 700).

The Examiner states that "the concept of providing displays that rotate is

conventional practice”. See August 28, 2006 Office Action at 4. However, the Examiner makes no mention of a media player mounted to the door, nor how the cited reference teaches same.

Accordingly, the Examiner has failed to establish a *prima facie* case of obviousness at least with respect to claims 4, 26 and 29.

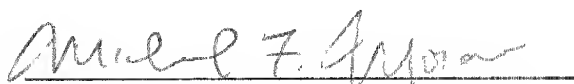
As such, Applicant requests that the Examiner withdraw the rejection of claims 4, 6, 8 and 15-29 under 35 U.S.C. §103(a).

#### **DEPENDENT CLAIMS**

Applicant has not independently addressed the rejections of all the dependent claims because Applicant submits that, in view of the amendments to the claims presented herein and, for at least similar reasons as why the independent claims from which the dependent claims depend are believed allowable as discussed, *supra*, the dependent claims are also allowable. Applicant however, reserves the right to address any individual rejections of the dependent claims should such be necessary or appropriate.

An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, the Examiner may telephone Applicant's Attorney to reach a prompt disposition of this application.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael F. Morano", is written over a horizontal line.

Michael F. Morano  
Reg. No. 44,952  
Attorney for Applicant

F. CHAU & ASSOCIATES, LLC  
130 Woodbury Road  
Woodbury, NY 11797  
(516) 692-8888